

**SUPREME COURT OF NEW YORK  
COUNTY OF WESTCHESTER**

\_\_\_\_\_ **X**

Bank of New York Trust Company, N.A.,

Plaintiff,

Index No.: 16483/08

vs.

Barbara Campbell, Marlene Gaethers Langley,  
Phillip Scott, et al.,

Mortgage Foreclosure Action  
for premises located at:

Defendant.

12 Inverness Road, Scarsdale, NY 10583

\_\_\_\_\_ **X**

**NOTICE OF BANKRUPTCY**

**AND EFFECT OF BANKRUPTCY STAY**

Defendant, and Debtor, Phillip Scott, by and through their undersigned counsel, in accordance and consistent with section 362(a) of the United States Bankruptcy Code, 11 U.S.C. Sections 1101 et. Seq. (the “Bankruptcy Code”), respectfully submits his Notice of Bankruptcy and Effect of Automatic Stay, and states as follows:

1. On July 20, 2016 (“the Petition Date”), the Debtor filed a voluntary petition (“the petition”) Under Chapter 13 of Title 11 of the Bankruptcy Code in the United States Bankruptcy Court for the State of New York, at One Bowling Green, New York, NY 10004-1408. The case is administered under Chapter 13 indexed as case number 16-12045-jlg.
2. The “automatic stay” is codified in section 362 of the Bankruptcy Code. Section 362 (a), inter alia, operates as an automatic stay of (i) the commencement or continuation of a “judicial, administrative, or other proceeding” against the Debtor (11 U.S.C. Section 362(a)(1); (ii) acts to “obtain possession of property of the Debtor’s estates (11 U.S.C.

Section 362 (a)(3), and (iii) to “collect, assess, or recover a claim” against the Debtor arising prior to the Petition Date (11 U.S.C. Section 362(a)(6)).

3. The above-captioned action constitutes a “judicial, administrative, or other action or proceeding” against the Debtor, and action to obtain possession of the Debtor’s property, and/or an act to collect or recover on a claim against the Debtor.
4. Accordingly, the above-captioned should be stayed pursuant to 11 U.S.C. Section 362 (a).
5. Any action by the Plaintiff against the Debtor without obtaining relief from the automatic stay from the Bankruptcy Court may be void ab initio and may result in finding contempt against Plaintiff by the Bankruptcy Court. The Debtor reserves all of its statutory rights to seek relief in Bankruptcy Court from any action, judgment, order, or ruling entered in violation of the automatic stay.

Dated: July 21, 2016  
Newburgh, NY

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Hon. Mary H. Smith  
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